

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

CT102 LLC d/b/a METRO MOTORS and
H. JEFFREY BAKER,

Plaintiffs,

v.

AUTOMOTIVE FINANCE CORPORATION
d/b/a AFC; NEXTGEAR CAPITAL, INC.;
MANHEIM, INC.; and ADESA, INC.,

Defendants.

CASE NO. 1:20-CV-00356-MSM-PAS

**MOTION OF DEFENDANTS, AUTOMOTIVE FINANCE CORPORATION d/b/a AFC
and ADESA, INC., TO DISMISS FIRST AMENDED COMPLAINT**

Defendants Automotive Finance Corporation d/b/a AFC and ADESA, Inc. (collectively, the “Defendants”), by counsel, and pursuant to Federal Rule of Civil Procedure 12(b), hereby move the Court to dismiss all claims asserted in the *First Amended Complaint* filed by plaintiffs CT102 LLC d/b/a Metro Motors and H. Jeffrey Baker against said Defendants.

In support of this Motion, and pursuant to LR Cv 7, Defendants rely upon their *Memorandum of Law in Support of Motion to Dismiss Plaintiff’s First Amended Complaint as to Defendants Automotive Finance Corporation d/b/a AFC and ADESA, Inc.* and all documents attached thereto, filed contemporaneously herewith, all matters of record, and those matters (such as public filings in other lawsuits) of which the Court may take judicial notice.

WHEREFORE, Defendants request that this Motion be granted.

Respectfully submitted,

/s/ Joseph V. Cavanagh, III
Joseph V. Cavanagh, III (#6907)
Blish & Cavanagh, LLP
30 Exchange Terrace
Providence, RI 02903-1765
Tel: (401) 831-8900
Fax: (401) 751-7542
jvc3@blishcavlaw.com

Reynold T. Berry, Esq.
RUBIN & LEVIN, P.C.
135 N. Pennsylvania St.
Suite 1400
Indianapolis, IN 46204
317/860-2922 (Direct)
317/453-8622 (Fax)
rberry@rubin-levin.net

*Attorneys for Automotive Finance
Corporation d/b/a AFC and ADESA, Inc.*

Request for Oral Argument

Pursuant to LR Cv 7(c) Defendants hereby request oral argument on the instant Motion and estimate that thirty (30) minutes will be required for same.

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2020, I caused a true copy of the foregoing document to be filed using the CM/ECF System and it is available for viewing and downloading by all counsel of record as follows:

Harris K. Weiner
Salter McGowan Sylvia & Leonard, Inc.
56 Exchange Terrace
Providence, RI 02903
401-274-0300
Fax: 401-453-0073
hweiner@smsllaw.com

Katharine E. Kohm
Pierce Atwood LLP
One Financial Plaza
26th Floor
Providence, RI 02903
(401) 490-3429
Fax: 401-588-5166
kkohm@pierceatwood.com

/s/ Joseph V. Cavanagh, III